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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	**PAPER NUMBER**
2643	9

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/845,768	Applicant(s) Jihn Tidd Bergman et al.
	Examiner Melur. Ramakrishnaiah	Art Unit 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Aug 4, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3, 7, 8, 11-23, and 25-33* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3, 7, 8, 11-23, and 25-33* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 31-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus (US PAT: 6,204,760 B1) in view of Dop et al. (US PAT: 4,888,290, hereinafter Dop).

Regarding claims 1 and 31, Bruinus discloses a method of phone interface device, comprising: receiving a provisional alarm report, determining whether a disarm command has been received subsequent to receipt of provisional alarm report, and when disarm command has not been received before expiration of a period of time, sending a system condition to a monitoring station (col. 7 lines 29-64), including seizing a telephone line and calling the monitoring station via telephone line seizing the telephone line, and calling the monitoring station via the telephone line (this is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43), communication link is a telephone line (see fig. 1, col. 7 lines 60-64).

Bruinus differs from claims 1 and 31 in that he does not teach the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link.

However, Dop discloses cellular alarm backup system which teaches the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link (col. 1 lines 62-68).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus' system to provide for the following: determining whether calling element is successful, and when calling element is not successful, sending the alarm condition to the monitoring station via an alternative communication link as this arrangement would provide a backup system for transmitting alarm information to central monitoring station in case of failure of the main communication system as taught by Dop, thus enhancing the security for the subscribers in case of emergency.

Regarding claims 2-3, 32-33, Bruinus further teaches the following: wireless signal is a radio frequency signal (col. 6 lines 39-41), provisional alarm report is received via wireless signal/radio frequency signal (col. 6 lines 39-41).

3. Claims 7-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Dop and Peters (US PAT: 5,717,379).

Regarding claim 7, Bruinus discloses a phone interface device comprising: a receiver in (12, fig. 2) to receive wireless signal from a control panel (28, fig. 2, col. 6 lines 39-41), wherein the wireless signal encodes information regarding a system condition (col. 5 lines 51-58), a phone port in (24, fig. 1) to connect to a communication link, where phone port is to dial a telephone

number to a monitoring station in response to receiving the wireless signal (note: dialing is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43).

Bruinus differs from claim 7 in that he does not teach the following: communication link is at least one of ISDN and wireless.

However, Peters discloses remote monitoring system which teaches the following: communication link is an ISDN line (fig. 1, col. 3 lines 24-29) and Dop teaches using wireless for communication (col. 1 lines 62-68).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus' system to provide for the following: communication link is an ISDN line and wireless link for communication as this arrangement would provide another alternative for communication link for monitoring remote premises as taught by Peters and Dop.

Regarding claim 8, Bruinus teaches that communication link is a telephone line (fig. 1).

4. Claims 21-22, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald (US PAT: 5,553,138).

Regarding claim 21, Bruinus further discloses a security system, comprising: a control panel (28, fig. 2) to receive a sensor event from a security device (30, 32, etc, fig. 2), to translate the sensor event into a system condition, and to transmit a wireless signal to a phone interface device (12, fig. 2), wherein the wireless signal encodes information regarding the system condition, and a phone interface device to receive a wireless signal from the control panel,

wherein the phone interface device is packaged separately from the control panel (col. 5 lines 51-58, col. 6 lines 33-41).

Bruinus differs from claim 21 and 27 in that he does not teach the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives electrical power from a telephone line.

However, Heald teaches the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives electrical power from a telephone line (col. 4 lines 19-57).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Bruinus's system to provide for the following: phone interface device receives direct electric current from an energy storage device and phone interface device receives electrical power from a telephone line as this arrangement would provide electrical energy to operate the communication device by obtaining electrical energy from an existing telephone service as taught by Heald, thus making it economical for the user to derive electrical energy from the telephone service.

Regarding claim 22, Bruinus further teaches the following: phone interface (12) further comprises a phone port to connect to a telephone line, wherein the phone port is to dial a telephone number of monitoring station in response to wireless signal (note: dialing a telephone number is implied in as much as the reference teaches notifying a security agency of the alarm condition, note: col. 8 lines 28-43).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Otto (US PAT: 6,442,240B1, hereinafter Otto).

Regarding claim 23, the combination does not teach the following: although it is implicit, the combination (Bruinus) does not explicitly teach that control panel receives alternating electrical current.

However, Otto discloses hostage negotiating system which teaches the following: the control panel receives alternating electrical current (fig. 7 col. 6 lines 22-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: control panel receives alternating electrical current as this would provide necessary power to make it operational..

6. Claims 25-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Ulrich (US PAT: 4,803,719)

Regarding claim 25, the combination does not teach the following: storage device comprises a battery.

However, Ulrich teaches that storage device is a battery (col. 4 lines 1-9).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: storage device comprises a battery as this arrangement would provide immediate power in case of need to control the telephone circuitry as taught by Ulrich.

Regarding claim 26, the combination teaches the following: storage device comprises a capacitor (col. 4 lines 47-51 of '138 patent)..

7. Claims 28-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Addy (US PAT:6,288,639B1).

Regarding claims 28-30, the combination does not teach the following: phone interface device is mounted in a separate enclosure from: the control panel, an input device, from a siren.

However, Addy discloses low power installation of wireless security system devices which teaches the following: phone interface device (30, fig. 1) is mounted in a separate enclosure from: the control panel (10), an input device (40), from a siren (20, fig. 1, col. 4 lines 19-49).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: phone interface device is mounted in a separate enclosure from: the control panel, an input device, from a siren as this arrangement would provide one of the ways, among many ways possible, to set up the alarm system as shown by Addy.

8. Claims 11-12, 14, 16-20, are rejected under 35 U.S.C 102(b) as being anticipated by Heald et al. (US PAT: 5,553,138, hereinafter Heald).

Regarding claim 11, Heald discloses a phone interface, comprising: a phone port to draw electrical energy from a phone line, wherein the phone port is part of a premises phone system,

and wherein the electrical energy is drawn from the phone line is within a current and voltage profile of the premises phone system (col. 4 lines 19-57).

Regarding claims 12, 14, 16-20, Heald further teaches the following: an energy storage device, wherein electrical energy is drawn from the phone line charges the energy storage device, energy storage device is a capacitor (col. 4 lines 48-51), energy is drawn while premises phone is off-hook, electrical energy is drawn while the phone port checks the line for proper voltages, electrical energy is drawn while the phone port is dialing, energy is drawn during a connected call, energy is drawn after an off-premises call hangs up (col. 2 lines 23-61).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald in view of Ulrich (US PAT: 4,803,719).

Regarding claim 13, Heald does not teach the following: energy storage device is a battery.

However, Ulrich discloses method for powering telephone apparatus which teaches the following: energy storage device is a battery (23, fig. 1, col. 4 lines 1-9).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Heald's system to provide for the following: energy storage device is a battery as this arrangement would provide immediate power in case of need to control the telephone circuitry as taught by Ulrich.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heald in view of MacTaggart (US PAT: 5,446,784).

Regarding claim 15, Heald does not teach the following: electrical energy is drawn from the phone line during a phone line state of ringing.

However, MacTaggart discloses apparatus for coupling a telephone line which teaches the following: electrical energy is drawn from the phone line during a phone line state of ringing (col. 8 lines 4-7).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Heald's system to provide for the following: electrical energy is drawn from the phone line during a phone line state of ringing as this arrangement would provide another alternative to obtain power for operating the communication device as taught by MacTaggart.

Response to Arguments

11. Applicant's arguments filed on 8-4-2003 have been fully considered but they are not persuasive.

Regarding rejection of independent claim 1 (amended), Applicant's arguments are moot in view of new grounds for rejection set forth above under 35 U.S.C 103(a).

Regarding rejection of dependent claim 2-3, Applicant's arguments are based on independent claim 1 being patentable. As described above, independent claim 1 (amended) stand rejected.

Regarding rejection of independed claim 7 (amended), Applicant's arguments are moot in view of new grounds for rejection set forth above under 35 U.S.C 103(a).

Regarding rejection of dependent claim 8, Applicant's arguments are based on independent claim 7 being patentable. As described above, independent claim 7 (amended) stand rejected.

Regarding rejection of independent 21 (amended), Applicant's arguments are moot in view of new grounds for rejection set forth above under 35 U.S.C 103(a).

Regarding rejection of dependent claim 22, Applicant's arguments are based on independent claim 21 being patentable. As described above, independent claim 21(amended) stand rejected.

Regarding rejection of independent 31 (amended), Applicant's arguments are moot in view of new grounds for rejection set forth above under 35 U.S.C 103(a).

Regarding rejection of dependent claim 32-33, Applicant's arguments are based on independent claim 31 being patentable. As described above, independent claim 31(amended) stand rejected.

Rejection of claims 11-12, 14, 16-20 under 35 U.S.C 102(b) as being anticipated by Heald et al. (5,553,138, hereinafter Heald): Regarding rejection of independent claim 11, Applicant argues that Heald do not describe a security system phone interface device. Regarding this, claim 11, does not call for a security system phone interface device.

Regarding rejection of dependent claims 12, 14, 16-20, Applicant's arguments are based on independent claim 11 being patentable. As described above, independent claim 11 stand rejected.

Rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Heald in view of Ulrich (US PAT: 4,803,719): Regarding rejection of claim 13, Applicant argues that neither Heald nor Ulrich describe nor suggest a secuity system phone interface device. Regarding this, claim 13 does not call for secuity system phone interface device.

Regarding rejection of claim 13, Applicant further argues that obviousness cannot be established by combining teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination and further states that there is no motivation to combine these references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Heald does not teach the following: energy storage device is a battery. However, Ulrich discloses method for powering telephone apparatus which teaches the following: energy storage device is a battery (23, fig. 1, col. 4 lines 1-9). Therefore, one of ordinary skill in the art at the time invention was made would be motivated apply teaching of Ulrich to Helad as this arrangement would provide immediate power in case of need to control the telephone circuitry as taught by Ulrich.

Regarding rejection of claim 13, Applicant further argues that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Rejection of claim 15, under 35 U.S.C. 103(a) as being unpatentable over Heald in view of MacTaggart (US PAT: 5,446,784): Regarding rejection of claim 15, Applicant makes arguments in similar vein as made for the rejection of claim 13: viz motivation to combine the references and hindsight. One would respond to these arguments in similarly way as made to claim 13.

Rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Otto (US PAT: 6,442,240B1, hereinafter Otto): Regarding rejection of claim 23, Applicant makes arguments in similar vein as made for the rejection of claim 13: viz motivation to combine the references and hindsight. One would respond to these arguments in similarly way as made to claim 13.

Rejection of claims 27 under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald (US PAT: 5,553,138): Regarding rejection of claim 27, Applicant makes arguments in similar vein as made for the rejection of claim 13: viz motivation to combine the references and hindsight. One would respond to these arguments in similarly way as made to claim 13.

Rejection of claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Ulrich (US PAT: 4,803,719): Regarding rejection of claim 25 and 26, Applicant makes arguments in similar vein as made for the rejection of claim 13: viz motivation to combine the references and hindsight. One would respond to these arguments in similarly way as made to claim 13.

Applicant misstates that claim 28 has been canceled. There is no evidence of that in his response.

Rejection of claims 28-30 under 35 U.S.C. 103(a) as being unpatentable over Bruinus in view of Heald as applied to claim 21 above, and further in view of Addy (US PAT:6,288,639B1): Regarding rejection of claim 28-30, Applicant makes arguments in similar vein as made for the rejection of claim 13: viz motivation to combine the references and hindsight. One would respond to these arguments in similarly way as made to claim 13.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Melur. Ramakrishnaiah

PRIMARY EXAMINER

Art Unit 2643.